

MESSAGE NO: 9097116 MESSAGE DATE: 04/07/1999

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE 9092111
MESSAGE #
(s):

CASE #(s): A-570-842

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 10/10/1995 TO 04/30/1997

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: AUTOMATIC LIQUIDATION INSTRUCTIONS FOR POLYVINYL ALCOHOL (PVA)FROM
THE PEOPLE'S REPUBLIC OF CHINA (PRC)(A-570-842) FOR PERIOD 10/10/1995 - 04/30/1997

MESSAGE NO: 9097116

DATE: 04 07 1999

CATEGORY: ADA

TYPE: LIQ

REFERENCE: 9092111

REFERENCE DATE: 04 02 1999

CASES: A - 570 - 842

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PERIOD COVERED: 10 10 1995 TO 04 30 1997

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, IMPORT OPERATIONS

RE: AUTOMATIC LIQUIDATION INSTRUCTIONS FOR POLYVINYL ALCOHOL
(PVA)FROM THE PEOPLE'S REPUBLIC OF CHINA (PRC)(A-570-842)
FOR PERIOD 10/10/1995 - 04/30/1997

THIS MESSAGE REPLACES MESSAGES NUMBER 9092111 DATED 04/02/1999
AND MESSAGE 9090114 DATED 03/31/1999 WHICH MAY HAVE BEEN
ERROEOUSLY RECEIVED ON 04/02/1999 AND 03/31/1999, RESPECTIVELY.
DISREGARD THESE MESSAGES AND FOLLOW THE INSTRUCTIONS BELOW.

1. THE DEPARTMENT OF COMMERCE (THE DEPARTMENT) NO LONGER
AUTOMATICALLY CONDUCTS ADMINISTRATIVE REVIEWS OF ANTIDUMPING DUTY

FINDINGS/ORDERS. INSTEAD, REVIEWS MUST BE REQUESTED IN ACCORDANCE WITH SECTION 353.22 OF THE COMMERCE DEPARTMENT REGULATIONS.

2. THE DEPARTMENT OF COMMERCE HAS NOT RECEIVED A REQUEST FOR AN ADMINISTRATIVE REVIEW OF THE ANTIDUMPING DUTY FINDING/ORDER ON POLYVINYL ALCOHOL (PVA) FROM THE PEOPLE'S REPUBLIC OF CHINA (PRC) FOR THE PERIOD 10/10/1995 THROUGH 04/30/1997. IN ADDITION, THE COURT OF INTERNATIONAL TRADE AFFIRMED THE DEPARTMENT'S FINAL DETERMINATION IN THE LESS THAN FAIR VALUE INVESTIGATION OF PVA FROM THE PRC ON DECEMBER 15, 1998.

3. THEREFORE, IN ACCORDANCE WITH SECTION 353.22(E) OF THE COMMERCE DEPARTMENT REGULATIONS, YOU ARE TO ASSESS ANTIDUMPING DUTIES ON MERCHANDISE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION AT THE CASH DEPOSIT OR BONDING RATE IN EFFECT ON THE DATE OF ENTRY SUMMARY.

4. THESE INSTRUCTIONS CONSTITUTE THE IMMEDIATE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES FOR THE MERCHANDISE AND PERIOD LISTED ABOVE. YOU SHALL CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES FOR SUBSEQUENT ENTRIES OF THE SUBJECT MERCHANDISE AT THE CURRENT RATES.

5. THE ASSESSMENT OF ANTIDUMPING DUTIES BY THE CUSTOMS SERVICE ON SHIPMENTS OR ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CUSTOMS PAYS INTEREST ON OVERPAYMENTS, OR ASSESSES

INTEREST ON UNDERPAYMENTS, OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANTIDUMPING DUTY ORDER. INTEREST SHALL BE CALCULATED FROM THE DATE OF PAYMENT OF ESTIMATED ANTIDUMPING DUTIES THROUGH THE DATE OF LIQUIDATION.

THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT

UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

6. UPON ASSESSMENT OF ANTIDUMPING DUTIES, CUSTOMS SHOULD REQUIRE THAT THE IMPORTER PROVIDE A REIMBURSEMENT STATEMENT AS DESCRIBED IN SECTION 353.26 OF THE COMMERCE DEPARTMENT REGULATIONS. THE IMPORTER SHOULD PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION OF THE ENTRY. IF THE IMPORTER HAS BEEN REIMBURSED ANTIDUMPING DUTIES, CUSTOMS SHOULD DOUBLE THE ANTIDUMPING DUTIES IN ACCORDANCE WITH THE ABOVE-REFERENCED REGULATION. ADDITIONALLY, IF THE IMPORTER FAILS TO RESPOND TO YOUR FORMAL REQUEST (VIA CF 28 OR 29) FOR THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION, CUSTOMS SHOULD PRESUME REIMBURSEMENT AND DOUBLE THE ANTIDUMPING DUTIES DUE.

7. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, PLEASE CONTACT VIA E-MAIL, THROUGH THE APPROPRIATE SUPERVISORY CHANNELS, OTHER GOVERNMENT AGENCY LIAISON, USING THE ATTRIBUTE "HQ OAB." THE IMPORTING PUBLIC AND INTERESTED PARTIES SHOULD CONTACT BRIAN SMITH AT 202-482-1766, AD/CVD ENFORCEMENT, GROUP II, OFFICE 5, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, DEPARTMENT OF COMMERCE.

8. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

PAUL SCHWARTZ

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party